IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No.17632 OF 2005

Between:

Dr.Kolla Sairamachandra Rao … Petitioner

Versus

The Commissioner,

Serlingampally Municipality, Rangareddy district

& Anr. … Respondents

Counsel for the Petitioner : Mr.BVVS Murthy

Counsel for the Respondents: Mr.P.Radhakrishna

O R D E R :

This writ petition is filed seeking mandamus to direct the first respondent to take action and remove the unauthorized constructions made by the second respondent over the plot no.4, survey no.56 (part), Block No.1, Kondapur village, Serlingampally Mandal, Rangareddy district.

The case of the petitioner is that he is the absolute owner in respect of plot no.2 in survey no.56/part, admeasuring 600 sq.yards or 501.60 sq.mts situate at rest of the area of block no.1, Kondapur village, Serilingampally Revenue Mandal,

Rangareddy district.

The petitioner submits that the second respondent, who is the occupant of plot no.4, survey no.56 (part), Block No.1, Kondapur village, Serilingampally Revenue Mandal has started the construction of multi-storied complex and dug the land and laid plinth beam and raised pillars in the groundfloor, without leaving an inch of set back in any side, more particularly towards northern side. Therefore, the constructions made by the second respondent is in deviation of the sanctioned plan, in violation of GO.Ms.No.422, MA and Building Bye-laws, causing nuisance to the petitioner and adversely affecting his enjoyment.

In view of the above, the petitioner has lodged a complaint on 02-7-2005 to the first respondent with regard to the above unauthorized constructions made by the second respondent but no action has been taken so far.

The grievance of the petitioner is that though the first respondent has acknowledged the complaint dated 02-7-2005 but the first respondent has kept quiet instead of invoking the provisions of section 405 of Hyderabad Municipal Corporation Act, without issuing any notice to the second respondent and it appears that the first respondent has allowed the second respondent to proceed with illegal constructions.

Considering the facts and circumstances, it is too early to direct the first respondent to consider the complaint dated 02-7-2005 lodged by the petitioner, as it was filed only on 02-7-2005. However, in the circumstances, the first respondent is directed to consider and dispose of the complaint dated 02-7-2005 lodged by the petitioner and

pass appropriate orders on merits and in accordance with law within four weeks months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.